

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Tenner Murphy, by his guardians Kay and Richard Murphy; Marrie Bottelson; Dionne Swanson; and on behalf of others similarly situated,

Civil No. 16-cv-2623 (DWF/BRT)

Plaintiffs,

v.

**PLAINTIFFS' MOTION  
PURSUANT TO RULE 37(B)(2)**

Emily Johnson Piper in her Capacity as  
Commissioner of the Minnesota  
Department of Human Services,

Defendant.

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PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 37(B)(2), Plaintiffs will move the Court for an Order finding Defendant's failure to comply as contempt of court (Rule 37(b)(2)(A)(vii)), require Defendant to pay Plaintiffs' reasonable expenses and attorneys' fees in bringing this motion (Rule 37(b)(2)(C)), and compel Defendant to fully and finally comply with this Court's order (Rule 37(b)(2)(A)) as affirmed by Judge Frank.

This Motion is made based upon all of the files, records, and proceedings herein, including the memoranda of law and accompanying documents, and such argument or further briefing or documentation as may be required or permitted by the Court.

**MID-MINNESOTA LEGAL AID  
MINNESOTA DISABILITY LAW  
CENTER**

Dated: January 25, 2018

By: *s/ Justin Perl*

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**ANTHONY OSTLUND  
BAER & LOUWAGIE P.A.**

Dated: January 25, 2018

By: *s/ Peter J. McElligott*

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